

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DELORIS A. GIBSON,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No.: 2:16-cv-01885-GMN-BNW

ORDER

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Brenda Weksler, (ECF No. 31), which recommends that Plaintiff Deloris Gibson’s Motion to Remand, (ECF No. 25), be granted. The R&R further recommends that Defendant Commissioner Nancy Berryhill’s Cross-Motion to Affirm the Agency Decision, (ECF No. 26), be denied.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114,

1 1122 (9th Cir. 2003).

2 Here, no objections were filed, and the deadline to do so, August 15, 2019, has passed.
3 (Min. Order, ECF No. 31).

4 Accordingly,

5 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 31), is
6 **ACCEPTED AND ADOPTED in full.**

7 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Remand, (ECF No. 25), is
8 **GRANTED.**

9 **IT IS FURTHER ORDERED** that Defendant's Cross-Motion to Affirm the Agency
10 Decision, (ECF No. 26), is **DENIED.**

11 **IT IS FURTHER ORDERED** that this case is **REMANDED** to the Social Security
12 Administration.

13 The Clerk is instructed to close the case.

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15 **DATED** this 10 day of September, 2019.

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19 Gloria M. Navarro, District Judge
20 United States District Court
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